

REMARKS/ARGUMENTS

Claims 1-10 were previously pending in the application. Claims 1-6, 9, and 10 are amended, and new claims 11-14 are added herein. Support for new claims 11 and 13 is found, e.g., in the specification at p. 7, lines 18-25. Support for new claims 12 and 14 is found in claims 4 and 6, respectively. Assuming entry of this amendment, claims 1-14 are now pending in the application. A specification paragraph has been amended to correct errors appearing therein. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

In paragraph 2, the Examiner rejected claims 1-10 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,748,222 ("Hashem") in view of U.S. Patent Application No. 2002/0119784 ("Agin").

For the following reasons, the Applicant submits that claims 1-10 are allowable over the cited references.

Claim 1 has been amended to recite the step of "(b) determining whether the message is a call set-up message or an allocation message." Support for this amendment may be found, e.g., at p. 6, lines 28-29 and in FIG. 3 (element 302). While Hashem discloses allocating processors to a connection in accordance with a load-balancing algorithm if a call set-up message is received, and Agin discloses allocating spreading codes to a connection if an allocation message is received, neither reference discloses, teaches, or even suggests, either alone or in combination, a step of determining whether a received message is a call set-up message or an allocation message. In fact, as the Examiner correctly recognizes, Hashem fails to teach allocating to the connection a set of spreading codes with the same spreading factor, if the message is an allocation message. Likewise, Agin fails to teach allocating to the connection one of the processors in accordance with a load-balancing algorithm, if the message is a call set-up message. Accordingly, neither of these references has a need for addressing whether a received message is a call set-up message or an allocation message, which is the reason that neither of these references teaches a step of making such a determination.

For these reasons, the Applicant submits that claim 1, as amended, is allowable over the cited references. For similar reasons, the Applicant submits that claims 9 and 10, as amended, are also allowable over the cited references. Since claims 2-8 depend variously from claim 1, it is further submitted that those claims are also allowable over the cited references. The Applicant submits therefore that the rejections of claims under Section 103 have been overcome.

Claims 4 and 11-13

The Examiner rejected original claim 4 on the basis that "the combination of Hashem et al. teaches [allocating] one of the processors based on a CPU processor utilization load-balancing algorithm." Claim 4 has been amended herein to recite that "one of the processors is allocated based on a call-context amount per CPU load-balancing algorithm." As explained in the specification, this algorithm "determines the average number of calls per CPU (= total calls / CPUs), and this average number is weighted by the total call capacity of the CPU. The CPU with the least weighted calls is then selected. Because the number of calls in the system is high (several thousand), the system load imposed by the calls averages out" (p. 7, lines 20-24). Neither Hashem nor Agin teaches, discloses, or even suggests, either alone or in combination, using such an algorithm. The Applicant submits therefore that this provides additional reasons for the assertion that claim 4 is allowable over the cited references.

For similar reasons, the Applicant submits that new claim 12, which contains the same limitations as claim 4, is also allowable over the cited references. Since claims 11 and 13 depend from claims 4 and 12, respectively, it is further submitted that those claims are also allowable over the cited references.

Claims 6 and 14


Claim 6 recites that "the set of spreading codes depends on the number of legs for soft-handover/soft-handoff of the connection." On page 3, the Examiner rejected claim 6 on the basis that "the combination of Agin teaches [that] the set of spreading codes depends on the [n]umber of legs for soft-handover/soft-handoff of the connection," citing paragraph [0050] of Agin. This paragraph does mention soft-handover, but does not mention spreading codes at all, let alone a dependency between the number of legs for soft-handover/soft-handoff of the connection and a set of spreading codes. In fact, nowhere does Agin or Hashem teach, disclose, or even suggest, either alone or in combination, the notion of using a set of spreading codes that depends on the number of legs for soft-handover/soft-handoff of the connection. The Applicant submits therefore that this provides additional reasons for the assertion that claim 6 is allowable over the cited references.

For similar reasons, the Applicant submits that new claim 14, which contains the same limitations as claim 6, is also allowable over the cited references.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Respectfully submitted,

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